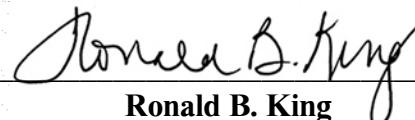




The relief described hereinbelow is SO ORDERED.

Signed January 02, 2018.



Ronald B. King
Chief United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE:	§	CASE NO. 15-51286-rbk
COSME U. FERNANDEZ, JR	§	
DEBTOR	§	CHAPTER 13
WELLS FARGO BANK, N.A. AS	§	MOTION FOR RELIEF
SUCCESSOR BY MERGER TO WELLS	§	HEARING DATE:
FARGO BANK MINNESOTA,	§	December 18, 2017, 10:00AM
NATIONAL ASSOCIATION, AS	§	
TRUSTEE FOR SALOMON HOME	§	
EQUITY LOAN TRUST, SERIES 2002-	§	
CIT1, ASSET BACKED PASS-	§	
THROUGH CERTIFICATES, SERIES	§	
2002-CIT1, ITS SUCCESSORS AND	§	
ASSIGNS,	§	
MOVANT	§	
VS.	§	
COSME U. FERNANDEZ, JR, DEBTOR	§	
AND MARY K. VIEGELAHN,	§	
TRUSTEE,	§	
RESPONDENTS	§	

AGREED ORDER CONDITIONALLY MODIFYING AUTOMATIC STAY
AGAINST PROPERTY 547 WEBBEND DR, SAN ANTONIO, TX 78227

(23)

CAME ON before the Court for consideration the Motion for Relief From Automatic Stay

Against Property filed by WELLS FARGO BANK, N.A. AS SUCCESSOR BY MERGER TO WELLS FARGO BANK MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE FOR SALOMON HOME EQUITY LOAN TRUST, SERIES 2002-CIT1, ASSET BACKED PASS-THROUGH CERTIFICATES, SERIES 2002-CIT1, ITS SUCCESSORS AND ASSIGNS ("Movant"), and any response of Debtor/Respondents. The Court finding that the parties have reached an agreement conditionally modifying the Automatic Stay of 11 U.S.C. §362 ("Automatic Stay"), it is accordingly:

ORDERED that the Automatic Stay shall remain in effect, except as modified herein. It is further

ORDERED that pursuant to the terms of that one certain Promissory Note executed by Debtor in favor of Movant, secured by a Home Equity Deed of Trust encumbering the real property more fully described hereinafter, Debtor shall disburse directly to Movant, timely when due, each monthly installment that falls due on or after the second day of January 2018. It is further

ORDERED that Debtor shall file a Plan Modification Request within thirty (30) days following the entry of this Order to include the post-petition mortgage installment arrearage of \$3,375.75. The Trustee reserves the right to object to the Plan Modification. Said funds shall be applied to the post-petition mortgage installments as follows:

7 Monthly Mortgage Payments at \$398.52 each from 6/2/17 to 12/2/17 = \$2,789.64
Attorney Fees: \$500.00
Attorney Costs: \$181.00
Suspense: (\$94.89)
Total Post-Petition Arrearages: \$3,375.75

It is further **ORDERED** that the "Post-Petition Arrearage" specified herein shall constitute an additional secured claim filed by Movant ("Additional claim") in the bankruptcy proceeding and is hereby allowed by the Court. If the Chapter 13 plan has been previously

confirmed by the Court under 11 U.S.C. 1325 ("Confirmed Plan"), Debtor shall promptly modify the Plan. If the Plan has been previously confirmed by the Court, the BORROWER shall promptly modify the Plan prior to confirmation pursuant to 11 U.S.C. 1323 to provide for the addition Claim. It is further

ORDERED that Debtor shall make all Trustee payments according to the Plan. Debtor shall keep all Trustee payments current. It is further

ORDERED that the above referenced mortgage installments and additional payments to bring arrearages current shall be made to the mortgage company at the following address:

Ocwen Loan Servicing, LLC
Attn: Cashiering Department
1661 Worthington Road Suite 100
West Palm Beach, FL 33409

It is further **ORDERED** that if Debtor defaults on any of the terms of this Order, Movant shall mail notice of the default to Debtor by certified mail, return receipt requested, and by regular mail. Unless Debtor cures the default within ten (10) days of the date Movant mails the notice, the Automatic Stay shall be and is hereby ordered lifted with respect to Movant, its assignees and/or successors in interest. Movant shall send Notice of Default to Debtor on two (2) separate occasions only. Upon the third default by the Debtor to comply with the terms herein, the Automatic Stay shall be ordered lifted with respect to Movant without further notice to Debtor. **ORDERED** that the automatic stay of 11 U.S.C. §362 is lifted for the purpose of allowing Movant, its assignees and/or successors in interest to exercise any rights of foreclosure with respect to the following real property:

LOT 12, BLOCK 2, NEW CITY BLOCK 15406, WESTWOOD PARK, UNIT 1, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS ACCORDING TO PLAT RECORDED IN VOLUME 6100, PAGES(S) 247, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS.

Also known as:
547 WEST BEND DR, SAN ANTONIO, TX 78227

It is further **ORDERED** that in the event this case is converted to another Chapter of the Bankruptcy Code, the automatic stay shall lift without further notice except to the extent the property described above is non-exempt property, and any and all arrearages owed to Movant by Debtor shall become due and payable immediately. It is further

ORDERED that upon termination of stay, Movant shall notify the Chapter 13 Trustee and the Trustee shall cease payments to Movant. It is further

ORDERED to the extent the Property is foreclosed on and sold, any excess proceeds from the sale shall be turned over to the Trustee with a reservation of the issue as to whether the Debtor is entitled to such funds. It is further

ORDERED that in the event this case is dismissed and not reinstated, the agreements reached between the parties in this order are cancelled, of no further effect, and neither party shall be bound by the agreements made herein. It is further

ORDERED that upon termination of stay, Movant shall notify the Chapter 13 Trustee and the Trustee shall cease payments to Movant. It is further

ORDERED that upon termination of stay, Movant shall be exempt from further compliance with FRBP 3002.1 in this case. It is further

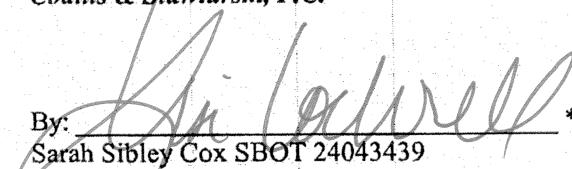
ORDERED that this Order shall be effective immediately and, Rule 4001 (a)(3) is waived, and enforcement of this Order shall not be stayed until the expiration of (14) days after entry of this Order.

END OF ORDER ##

* The signature of Movant's counsel shown below is an affirmative representation to the Court that Movant has complied with Bankruptcy Rule Number 4001.

APPROVED AS TO FORM AND ENTRY REQUESTED:

Codilis & Stawierski, P.C.

By: 

*

Sarah Sibley Cox SBOT 24043439

Lisa L. Cockrell SBOT 24036379

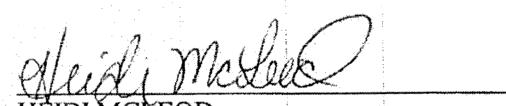
Nicole M. Bartee SBOT 24001674

400 N. Sam Houston Parkway East, Suite 900-A

Houston, Texas 77060 (281) 925-5200

Facsimile: (281) 925-5300

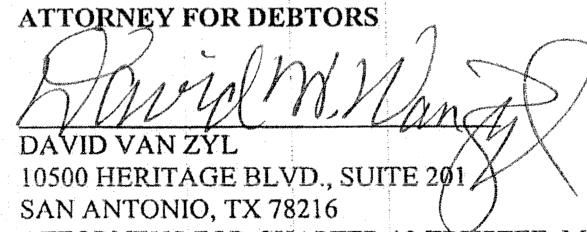
ATTORNEYS FOR MOVANT


HEIDI MCLEOD

3355 CHERRY RIDGE, SUITE 214

SAN ANTONIO, TX 78230

ATTORNEY FOR DEBTORS


DAVID VAN ZYL

10500 HERITAGE BLVD., SUITE 201

SAN ANTONIO, TX 78216

ATTORNEYS FOR CHAPTER 13 TRUSTEE, MARY K. VIEGELAHN

44-17-1947

XXXXX4682

FERNANDEZ, JR, COSME U.

Conventional